

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BARTRAM YIHNI DABNEY,

Plaintiff,

-against-

9:11-CV-0273 (LEK/RFT)

DONALD SAWYER, Executive Director,
Marcy Mental Health Hospital; JOANNE
WALDRON, Chief, OMH Satellite,
Clinton Correctional Facility; DR. LEE,
Clinton Correctional Facility;
DR. FAROOKI, Clinton Correctional
Facility; SHARON LOCKRIDGE, OMH
Therapist, Clinton Correctional Facility;
SAVAGE, OMH Therapist, Clinton
Correctional Facility; RON DUMONT,
Nurse, Clinton Correctional Facility;
C.O. BEESHAW, Clinton Correctional
Facility; J. NOCERA, Assistant Inspector
General; V. DONAHUE, Social Worker,
Great Meadow Correctional Facility;
DR. BERGGEN, Clinton Correctional
Facility; C.O. FOLEY, Clinton
Correctional Facility; and DR. BATTER,
Great Meadow Correctional Facility,

Defendants.

DECISION and ORDER

This matter comes before the Court following a Report-Recommendation filed on July 17, 2012 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3(d). Dkt. No. 16 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings

and recommendations.” FED. R. CIV. P. 72(b); N.D.N.Y. L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006) (citations omitted).

Here, no objections have been raised in the allotted time with respect to Magistrate Judge Treece’s Report-Recommendation. After examining the record, the Court has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 41) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further


ORDERED, that Defendants’ Motion to Dismiss (Dkt. No. 27) is **DENIED** and that Defendants are directed to respond only to the handwritten portion of the Complaint (Dkt. No. 1-1); and it is further

ORDERED, that the Clerk of the Court update the Docket Report so that the names of the following Defendants are corrected: Defendant Berggen’s name should be spelled “Bergen”; Defendant Sharon Lockridge should be changed to “Sara Nephew f/k/a Sara Loughran”; and Defendant Batter’s name should be spelled “Battu”; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Decision and Order upon the parties to this action.

IT IS SO ORDERED.

DATED: August 07, 2012
Albany, New York


Lawrence E. Kahn
U.S. District Judge